

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1992-01
Bill No.: HB 881
Subject: Law Enforcement Officers and Agencies; Political Subdivisions; Crimes and Punishment
Type: Original
Date: March 6, 2015

Bill Summary: This proposal creates the Quality Policing Act which establishes reporting and conduct guidelines for law enforcement agencies.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(\$1,109,630)	(\$406,360)	(\$254,415)
Total Estimated Net Effect on General Revenue	(\$1,109,630)	(\$406,360)	(\$254,415)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	4 FTE	4 FTE	2 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	2 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the requirement for the reporting to DPS, and the ability for law enforcement agencies to have access to the information, will require the development of a system to capture the data sent.

It is estimated that the development cost of the program itself, including licenses for all law enforcement agencies, would be \$650,000, and there would also be an additional \$200,000 in personnel costs during the development phase of the system. In addition, DPS assumes the need for 2 FTE during the development process (through FY 2017).

After development is completed, there are ongoing personnel costs for a system administrator and a backup system administrator/trainer (2 FTE), the costs to implement the system in the agencies and train, plus \$97,500.00 annual maintenance fee.

The estimated fiscal cost for this legislation is \$1.1 million in FY 2016.

Officials from the **Attorney General's Office** assume that any potential costs arising from this proposal could be absorbed with existing resources.

Officials from the **Department of Natural Resources** and the **Department of Public Safety Divisions of Missouri Highway Patrol, Capitol Police, Fire Safety, and Alcohol and Tobacco Control** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Department of Conservation (MDC)** assume an unknown negative fiscal impact less than \$100,000 due to the need for increased personnel.

Oversight assumes the MDC could implement the act with existing resources.

Officials from the **Springfield Police Department** state this proposal will have fiscal impact on their agencies, and likely on most agencies.

Officials from the **Cole County Sheriff's Department** state their fiscal impact involves records management being programmed to generate the appropriate reports for the Department of Public Safety. We do virtually all within this act; though not necessarily in the same model. There will be an associated training for all staff. Agencies that do less will have an even higher per capita expense. While the cost is believed to be manageable, it is still an additional budget amount.

ASSUMPTION (continued)

Officials from the **Independence Police Department** state this bill has strong fiscal implications for them. It will require considerable staff time to prepare and report the data required under the bill. At a time where budget constraints are significant and as a result have reduced staffing, particularly support staff, this bill would require we dedicate staff to compile and submit all of the specified data. The bill also includes provisions that prevent the Department from disciplining personnel who engage in improper conduct. If a staff member is interviewed as a witness in the course of an investigation and is then determined to have violated Department policy, this bill would preclude the Department from taking action.

Officials from the **Boone County Sheriff's Department (BCSD)** state that costs will be incurred by this agency for the creation of a data collection system that will be compliant/in accordance with the requirement of this bill to report officer data to the Department of Public Safety. Costs will be related to staff time, IT staff time, the purchase of any necessary hardware, software, etc. Additional costs will be incurred by officers in overtime generated due to time constraints for report writing on certain incidents. Additional costs will be incurred for BCSD and IT staff time in development of the statistical program required to be displayed on this agency's website. Costs will be incurred for any hardware and/or software purchases and in staff time for having to upload data to that program on a monthly basis. It is unknown what the total costs incurred would be as there are too many unknown variables/factors that have to be calculated.

Officials from the Buchanan County Sheriff's Department, the Columbia Police Department, the Jackson County Sheriff's Department, the Jefferson City Police Department, the Platte County Sheriff's Department, the St. Charles Police Department, the St. Joseph Police Department, and the St. Louis County Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
GENERAL REVENUE			
<u>Costs - DPS</u>			
Personal Service - Program Development (2 FTE for 2 years)	(\$83,333)	(\$101,000)	\$0
Personal Service - System Administrator (2 FTE)	(\$83,334)	(\$101,000)	(\$102,010)
Fringe Benefits	(\$86,675)	(\$105,050)	(\$53,050)
Expense & Equipment	(\$6,288)	(\$1,810)	(\$1,855)
Programming / System Development / Ongoing Maintenance	<u>(\$850,000)</u>	<u>(\$97,500)</u>	<u>(\$97,500)</u>
<u>Total Costs - DPS</u>			
FTE Change - DPS	4 FTE	4 FTE	2 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$1,109,630)</u>	<u>(\$406,360)</u>	<u>(\$254,415)</u>
Estimated Net FTE Change for the General Revenue Fund	4 FTE	4 FTE	2 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
LOCAL POLITICAL SUBDIVISIONS			
<u>Costs - Police Departments and Sheriff's Departments - increased costs to implement the Quality Policing Act</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes the Quality Policing Act that requires every law enforcement agency to annually report certain law enforcement officer data to the Department of Public Safety to be compiled within a database and used by agencies to determine the need for increased monitoring, supervision, and counseling of any officer.

The information must include, but not be limited to, any:

- (1) Incident and pattern of disciplinary complaints made by a private citizen or agency personnel against any officer employed by the agency;
- (2) Allegation of racial bias or domestic violence made against any officer employed by the agency;
- (3) Civil action against an officer for alleged misconduct committed while he or she was on duty;
- (4) Use of force by the officer as specified in the bill;
- (5) Illegal entry or search as specified in the bill; and
- (6) Other evidence that an officer could be a danger to himself, herself, or any other person.

In addition to inclusion in the report, the bill requires every law enforcement officer to submit, within 48 hours of the incident, a written report concerning:

- (1) The use of force when the officer uses any type of force greater than escort and compliant cuffing; or
- (2) Any search and seizure when the officer performs a warrantless search, performs a body cavity or strip search, or conducts any warrantless seizure of property.

If an employee initiates, assists in, or participates in an internal affairs investigation, the bill prohibits the law enforcement agency from discharging, demoting, suspending, threatening, harassing, or otherwise discriminating against the employee. The prohibition must not apply to an employment action against an employee who:

- (1) Is determined to have a frivolous or clearly vexatious claim; or
- (2) Is convicted of criminal conduct arising from the conduct alleged in the complaint.

Any employee who initiates, assists in, or participates in an internal affairs investigation must be permitted to transfer to another unit or agency and must be considered for any promotion that he or she is eligible to receive.

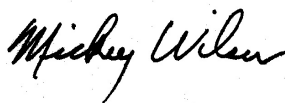
FISCAL DESCRIPTION (continued)

The bill requires every law enforcement agency to retain records of any disciplinary complaint it has received against any law enforcement officer employed by the agency for three years. Any disciplinary complaint received by a law enforcement agency must be made available to the public via a monthly statistical report on the website of the agency, county, or city not within a county and a printed report released annually.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Attorney General's Office
Department of Natural Resources
Missouri Department of Conservation
Springfield Police Department
Cole County Sheriff's Department
Independence Police Department
Boone County Sheriff's Department



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